

City of Conneaut Public Record's Policy

MISSION STATEMENT

Openness leads to better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the City of Conneaut to at all time fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

DEFINING PUBLIC RECORDS

All records kept by the City of Conneaut are public unless they are exempt from disclosure under Ohio law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

A record is defined to include the following: A document in any format - paper, electronic (including, but not limited to, business e-mail) - that is created, received by, or comes under the jurisdiction of the City of Conneaut that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

RESPONSE TIMEFRAME

Public records are to be made available for prompt inspection during regular business hours, with the exception of published holidays. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review and redaction of the records requested.

It is the goal of the City of Conneaut that all requests for public records should be acknowledged in writing or if possible, satisfied within 10 business days following the office's receipt of the request.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the record(s) requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office must contact the requestor for clarification, and should assist the

requestor in revising the request by informing the requestor of the manner in which the office keeps its public records.

The requestor does not have to make a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is the City's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requestor may decline to reveal the requestor's identity or intended use.

In processing the request, the City does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the City may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, an office employee must accompany the requestor during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney's General's internet website (www.ohioattorneygeneral.gov) for the purpose of keeping employees of the City and the public educated as to the obligation's under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a Blackberry) are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representative of the City of Conneaut are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

DENIAL OR REDACTION OF RECORDS

If the requestor makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the

requestor an opportunity to revise the request by informing the requestor of the manner in which records are maintained and accessed by the office.

Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is \$.10 cents per page. The charge for electronic files downloaded to a compact disc is \$1.00 per disc.

A requestor may be required to pay in advance for costs involved in providing the copy. The requestor may choose whether to have the record duplicated upon paper, upon the same medium in which the public records is kept, or upon any other medium on which the City determines that the record can reasonably be duplicated as an integral part of the City's normal operations.

If a requestor asks that documents be mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

MANAGING RECORDS

The City of Conneaut records are subject to records retention schedules. The City's current schedules are available at the City Manager's Office, a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code.

ORDINANCE NO. 16-12

Introduced By Mr. DeRush

AN ORDINANCE TO ADOPT THE CITY OF CONNEAUT'S PUBLIC RECORDS POLICY, ATTACHED HERETO AND MARKED EXHIBIT "A".

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That the City of Conneaut's Public Records Policy, attached hereto and marked Exhibit "A", is hereby adopted.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That for the reasons stated in the preamble, this Ordinance is declared to be an emergency measure in the interests of public peace, health and safety and, if approved by votes of two-thirds or more members of Council eligible to vote, shall take effect immediately upon passage and signing by the President of Council, otherwise this ordinance shall take effect thirty (30) days after passage.

Passed this 9th day of April, 2012.

Thomas M. Edell
President of Council

ATTEST:

Samela A. Sawyer
Clerk of Council